



# City of Prineville

## DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

### STAFF REPORT

**HEARING DATE:** September 20<sup>th</sup>, 2016

**PROJECT NUMBER:** SUB-2016-100

**OWNER/APPLICANT:** Porfily Ventures  
P.O. Box 672  
Prineville OR 97754

**PROJECT REVIEWER:** Joshua Smith  
Senior Planner

**APPLICABLE CRITERIA:**

(1) City of Prineville Code of Ordinances, Title XV, Sections – 153.009, 153.014, 153.035, 153.036, 153.046, 153.051, 153.080 – 153.096, 153.135 - 153.138, 153.155 – 153.157, 153.159, 153.164, 153.190 – 153.200.

**FINDINGS OF FACT:**

- 1. PROPOSAL:** 14 lot residential subdivision with two additional non-buildable lots near Ochoco creek being dedicated to the City of Prineville for public purpose.
- 2. LOCATION:** The SE Corner of NE Juniper Street and Laughlin Road, Map and Tax lots 14-16-32DC 05800, 05900, 06000, 06100 & Map and tax lots 15-16-05AB 00800, 00900.
- 3. ZONING:** The subject property is zoned R2 (General Residential).
- 4. SITE DESCRIPTION:** The property is mostly vacant with two small rental houses that are proposed to be torn down. The property is also partially divided by the old railroad tracks near Ochoco Creek. This small portion of property near Ochoco Creek is the property that is proposed to be dedicated to the City.



- 5. COMMENTS:** Notice was provided to neighboring property owners and all potentially interested agencies and departments in accordance with City Code 153.255. Comments were received verbally from noticed agencies with no issues.
- 6. FINDINGS SUMMARY:** All buildable lots meet or exceed the minimum requirements. There are 14 buildable lots with 2 non-buildable lots near Ochoco creek being dedicated to the City of Prineville for public purpose. The proposed cul-de-sac and Juniper Street frontage along the buildable lots shall be built to City standards along with City water and sewer extensions and other public utilities. City water shall be extended "to and through" the buildable lots on Juniper Street. The applicant shall dedicate 20 feet of right-of-way to Laughlin Rd. and construct a 6 foot bike lane and curb to the existing street. Street drainage will be directed to an existing City stormwater detention area across Juniper Street.

**Criteria: 153.009 COMPLIANCE WITH OTHER RULES AND REGULATIONS.**

(A) Approval of any use or development proposal pursuant to the provisions of this chapter shall require compliance with and consideration of all applicable city, county, state and federal rules and regulations.

(B) The compliance shall be evident prior to the final approval of any affected land use or development proposal; for example, the compliance may be set forth as a condition of final approval.

(C) Specific city, county, state and federal rules and regulations that may affect a specific land use or development for which compliance therewith is required if applicable include, but are not necessarily limited to the following.

(1) Air quality standards administered by the State Department of Environmental Quality (DEQ) and/or the Federal Environmental Protection Agency (EPA).

(2) Noise pollution standards administered by DEQ and/or EPA.

(3) Water quality standards administered by DEQ, state Water Resources Department (WRD) and/or EPA.

(4) Sewage disposal regulations administered by DEQ, County Environmental Health and/or EPA.

(5) Solid waste disposal regulations administered by DEQ and/or EPA, including those applicable to hazardous wastes.

(6) Uniform Building Code administered by the City-County Building Department and State Building Codes Agency.

(7) Surface and ground water withdrawals regulated by WRD.

(8) Scenic area rules administered by the State Highway Division (OSHD), state parks and/or other state or federal agencies.

(9) Access control and management regulations administered by OSHD and/or the County Road Department.

(10) Surface mining regulations administered by the State Department of Geology and Mineral Industries (DOGAMI), DEQ and other state or federal agencies.

(11) Wild and scenic river regulations administered by the State Parks and Recreation Department (OPRD), the U.S. Bureau of Land Management (BLM) or other state and federal agencies.

(12) Cut and fill, and wetland regulations administered by the Division of State Lands (DSL).

(13) Fish and wildlife habitat protection rules administered by the State Department of Fish and Wildlife (ODFW) and/or the U.S. Fish and Wildlife Department (USFW).

(14) Applicable City and/or County ordinances, resolutions, agreements, regulating master plans or other land use decisions.

**Finding 1:** The applicant shall comply with all City, County, State and federal rules and regulations. These rules and regulations include but are not limited to, meeting the City's standards and specifications for all public infrastructure. Platting of the subdivision to City, County and State standards and meeting Crook County Building Department requirements for all onsite construction.

**Criteria: 153.014 GENERAL CRITERIA.**

*In determining whether or not any application shall be approved or denied, it shall be determined that the following criteria are either met or can be met through compliance with specific conditions of approval.*

*(A) The proposal is compatible with the City Comprehensive Plan and applicable policies set forth thereby.*

*(B) The proposal is in compliance with the requirements set forth by the applicable primary zone, by any applicable combining or overlay zone, and other provisions set forth by this chapter that are determined applicable to the subject use.*

*(C) That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of the approval or permit compliance is established or can be assured prior to final approval.*

*(D) The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone, this section and this chapter.*

*(E) That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities.*

*(F) For any use which is found to require compliance with air, water, land, solid waste and/or noise pollution standards, that the compliance be a condition of approval and compliance therewith shall be a continuing condition.*

**Finding 2:**

A) The proposal is compatible with the Comprehensive Plan by providing for orderly development and economic growth.

B) The proposal is in compliance with the applicable zones. The portion of property that is within the Natural Features Overlay Zone and Special Flood Hazard area is proposed to be dedicated to the City.

C) The City is not aware of any approvals or permits from other local, state and/or federal agencies.

D) The proposed use complies with subdivision standards (City Code 153.157) and limitations of the R2 zone or can comply through conditions of approval.

E) The proposal has been reviewed by the City Engineer and is not expected to exceed the carrying capacity with regard to sewer, water and traffic.

F) Any future use of this property shall comply with local, state or federal pollution standards. If it is identified that such standards are being exceeded, measures shall be taken to bring the use back into compliance.

**Criteria: 153.037 COMMERCIAL & INDUSTRIAL USE TABLE**

*Subdivisions (4 or more lots): Conditional use Type 2*

*Single family dwelling: Conditional use Type 2*

**153.035 RESIDENTIAL USE TABLE**

*Subdivisions (4 or more lots): Conditional use Type 2*

**153.046 GENERAL RESIDENTIAL R-2 ZONE.**

*In an R-2 Zone, the following regulations shall apply.*

(A) **Purpose.** *It is the purpose of the R-2 Zone to provide for residential areas which permit a mixture of a variety of housing types at various densities in a more planned type of development design, including a minimum of nonresidential commercial convenience and service type uses in more accessible proximities for the purposes of providing for conveniences and services to the dominant intended residential users of the area.*

**153.051 GENERAL COMMERCIAL C-2 ZONE.**

*In a C-2 Zone, the following regulations shall apply.*

(A) **Purpose.** *The purpose of the C-2 Zone is to provide for those commercial uses which are considered more desirable to be located in an area outside of the downtown commercial core area, that are more dependent upon and create the highest volumes of vehicular traffic, are considered the heaviest or most intensive type of commercial uses, which actually involve a combination of heavy commercial and light industrial type uses, which commonly involve expansive areas of outside storage and displays of products and are more traveler oriented.*

**Finding 3:** The proposed 14 lot subdivision is defined as a type 2 conditional use in the residential use table. As such, review of this subdivision is required by the Planning Commission through a public hearings process, which is scheduled for September 20<sup>th</sup>, 2016.

**Criteria: 153.036 RESIDENTIAL DIMENSIONAL STANDARDS**

Minimum lot area (public water and sewer required)<sup>1,2</sup>

R2	-	Single family Dwelling	5,000sf
	-	Min. Net Density for Subdivisions <sup>3</sup>	4/acre

<sup>1</sup> *Must have public water and sewer in R-1, R-2, R-4 and R-5 zones but may be community system(s) in R-3 zone.*

<sup>2</sup> *Unless classified as a multi-family dwelling complex, minimum lot area shall be calculated as the cumulative total square footage required for each type of building on the site.*

<sup>3</sup> *The City may grant an exception to the minimum density standards based on site specific issues that make such density infeasible such as: steep slopes, floodplain, and wetlands.*

Minimum Street Frontage (ft.):

Standard Street:	50
Cul-de-sac:	35

**Finding 4:** All 14 buildable proposed lots are greater than the minimum lot size of 5000 s.f. The minimum density requirement is 4 lots per acre. With 3.45 acres of developable property minus the street dedication of approximately 0.69 acres, the applicant is required to have at least 11 lots. The applicant meets the minimum density and all lots are meeting the required street frontage as listed above and will be served by City water and sewer.

**Criteria: 153.135 AUTHORIZATION TO GRANT OR DENY.**

*Uses designated in this chapter as conditional uses may be permitted, enlarged or otherwise altered when authorized in accordance with the standards and procedures set forth in this chapter. In the case of a use existing prior to the effective date of this chapter, a change in use, enlargement or alteration of such use shall conform to the provisions of a conditional use if so classified. An application for a conditional use may be approved, modified, approved with conditions or denied by the designated reviewing authority.*

**153.136 SPECIFIC CONDITIONS.**

*In addition to the standards and conditions set forth in a specific zone, this subchapter, this chapter and other applicable local, county, state and/or federal regulations, additional conditions may be imposed which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area, the city as a whole and the general public. No condition may be imposed which violates federal or state law with regard to needed housing. The conditions may include, but are not limited to, the following.*

*(A) Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.*

*(B) Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.*

*(C) Limiting the height, size or location of a building or other structure or use.*

*(D) Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.*

*(E) Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.*

*(F) Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.*

*(G) Requiring diking, screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.*

*(H) Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.*

**Finding 5:** The proposed subdivision meets the basic standards for lot size, street frontage, water and sewer connections and public street design. Staff does not recommend any additional requirements.

A) This section does not apply to a residential subdivision.

B) Staff does not recommend any special setbacks. The lots near the creek will be dedicated to the City for open space preservation and public purpose.

C) Height, size and location of future homes are controlled by the City's site plan review process.

D) The applicant is dedicating 20ft. of right-of-way to Laughlin Road and the proposed cul-de-sac to serve the proposed lots. Juniper Street does not require additional right-of-way.

E) All access to lots will occur off of the newly proposed cul-de-sac. A Sidewalk and bike lane will be constructed along Juniper Street as well as sidewalks internal to the subdivision on Crista Court. An additional curb and bike lane will be added to the south side of Laughlin Road but not a sidewalk. All pedestrian traffic will be directed to the north side of Laughlin where sidewalks have already been constructed. Laughlin Road is designated as an arterial street but is not currently design for full road improvements. The City is not ready to fully build Laughlin Road to arterial standards and is only requiring right-of-way dedications and basic improvements for bike lanes and drainage.

F) This section does not apply to a residential subdivision.

G) The neighboring properties to the east do not have privacy fencing and portions of the property line are not fenced at all. While uniform fencing is preferred between neighbors

and along streets, unless there is a specific request from neighboring properties, fencing is generally left to the future owners of the proposed lots.

H) The lots near the creek will be dedicated to the City for open space preservation and public purpose.

**Criteria:** *153.157 SUBDIVISIONS-APPLICATIONS.*

**(A) Application.** *Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the City Planning Department. The application shall be accompanied with ten copies of either an outline development plan as provided for in division (B) of this section, or a tentative plan as set forth in division (C) of this section, together with improvement plans and other supplementary material as may be required, and the appropriate filing fee as established by the City Council. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.*

**Finding 6:** The applicant submitted an application in accordance with these requirements.

**Criteria:** *(1) Requirements for approval. The Commission shall not approve an outline development plan or a tentative plan for a subdivision unless the Commission finds, in addition to other requirements and standards set forth by this chapter and other applicable city ordinances, standards and regulation, the following:*

**(1)** *The proposal is in compliance with ORS Chapter 92, applicable goals, objectives and policies set forth by the city's Comprehensive Plan, Master Plans, Standards and Specifications and applicable zoning. (O.R.S. 197.175(2)(b) and 227.175 (4)) (O.R.S. 92.090(2)(C)*

**(2)** *Each lot is suited for the use intended or to be offered, including but not limited to sewage disposal, water supply, guaranteed public street access and utilities.*

**(3)** *The proposal is in compliance with the design and improvement standards and requirements set forth in 153.190 et seq. and the City's Standards and Specifications or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.*

**(4)** *The subdivision will not create an excessive demand on public facilities and services required to serve the proposed development, or that the developer has proposed adequate and equitable improvements and expansions to the facilities with corresponding approved financing therefore to bring the facilities and services up to an acceptable capacity level (Goal 11).*

**(5)** *The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this chapter and the Comprehensive Plan (Goal 5).*

**(6)** *The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a 6 mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (O.R.S. 92.090)*

**(7)** *The streets and roads are laid out so as to conform to an adopted transportation system plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern. (O.R.S. 92.090(2)(a))*

**(8)** *Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements. (O.R.S. 92.090(2)(b))*

**(9)** *Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.*

**(10)** *Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.*

**(11)** *Provisions of the proposed development to provide for a range of housing needs, particularly those types identified as needed or being in demand. (Goal 10 and O.R.S. 197.303-307)*

**(12)** *Provisions for openspace, parks and recreational areas shall be provided for in accordance with Section 153.193 (Land for Public Purpose).*

**Finding 7:**

1 & 3) Infrastructure improvements and “to and through” standards will be required through conditions of approval, described later in this report. The layout of the subdivision meets the standard criteria for a subdivision.

2) All lots are suited for their intended purpose, subject to the Conditions of Approval which include infrastructure improvements to City standards.

4) The City Engineer has reviewed the proposal and has determined that this development will not create an excessive demand on public facilities and services once extended to serve the property.

5) The portion of property within the Natural Features Overlay Zone (Goal 5 resources) are proposed to be dedicated to the City for open space preservation and public purpose.

6) The proposed name of the subdivision is “Skate Park” which is not substantially similar to any other subdivision in or around the City.

7) The City transportation plan includes bike lanes on Juniper Street and Laughlin Road and requires at least a 20 foot dedication to Laughlin Road to conform to the standard width of a minor arterial street. The TSP also shows a re-alignment of Juniper and Hudspeth Roads through this property, though it is not factored into the SDC methodology. At one time there was a thought to swap property on the other side of Juniper to allow the alignment to happen. The new bridge on Juniper became an immediate problem as the appropriate street curves could not be designed without re-aligning the bridge, which is costly. Since then the property that was to be swapped has been utilized for a stormwater detention area. This re-alignment in the TSP is not cost effective with a poor cost to benefit ratio. With the development of this subdivision the re-alignment will most likely be removed from the TSP with the next update.

8) The proposed cul-de-sac and 20 foot dedication to Laughlin Road will be dedicated to the City without reservation. Access to abutting properties is not necessary, however; bike lanes on Juniper and Laughlin will be constructed along with sidewalks on Juniper.

9) There are no identified measurable adverse impacts on neighboring properties resulting from the proposed subdivision.

10) Access to abutting properties is not necessary, however; bike lanes on Juniper and Laughlin will be constructed along with sidewalks on Juniper. City water will be extended “to and through” on Juniper St. The City sewer line has already been constructed within the old railroad bed.

11) This subdivision will provide primarily small lot single family homes which is currently in demand for lower income families. It also provides a few lots over 10,000 sq. ft. The lots in this subdivision are sized so a mix of housing types from single family to fourplexes are possible.

12) Subdivisions of 20 or more lots are required to provide at least 5% of the development for Parks. This subdivision has only 14 buildable lots and is adjacent to a large public park. In addition the applicant is also dedicating lots 15 & 16 near Ochoco Creek to the public for open space preservation and public purpose.

**Criteria: (J) Improvement Requirements. In the approval of any subdivision, the need for a survey, and the need for street and other public facility improvements shall be required as a condition of approval. Streets and roads for public use are to be dedicated to the public without any reservation or restriction consistent with the City's Standards and Specifications and streets and roads for private use are approved by the city as a variance to public access requirements. (O.R.S. 92.090(2)(b))**

(1) Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.

(2) All required agreements shall be recorded at the Crook County Clerk's Office at the same time of recording of the final subdivision plat.

(3) All public utilities are available to each lot line.

(4) Public infrastructure including right of way, water, sewer, streets and sidewalks shall be extended and constructed "to and through" each lot created by the subdivision; unless otherwise approved by the City due to the following:

(a) Phased development

(b) Clearly defined project area where the remainder lot is of such a large size that future development or division is likely and the infrastructure will be brought through at that time.

(c) The City determines certain aspects of the "to and through" standard can be deferred. For example, right of way may be extended to and through but street, water and sewer infrastructure are deferred until new development or Division of property.

(5) Paved access is guaranteed to each lot.

(6) Future development is to be connected to the City's sewer and water systems.

**(K) Final Plat Approval. The submission of a final plat shall follow the requirements set forth in section 153.164.**

### **Finding 8:**

1) The property is part of and abuts a commercial zone. There is a single family use in the commercial zone on the abutting property to the east that does not require access. Commercial property further to the east will access Laughlin Road. It would not be appropriate to provide access to a commercial zone on a local street through a neighborhood.

2) The applicant shall record deeds of dedication prepared by the City deeding lots 15 and 16 to the City at the same time the final subdivision plat is recorded.

3) The applicant shall extend City sewer and water and all other utilities to each lot line of the subdivision.

4) The applicant will be required to construct all public improvements and other utilities to City standards. The applicant shall dedicate 20 feet of right-of-way along Laughlin Road. City water shall be extended "to and through" the buildable lots on Juniper Street and Crista Court. City sewer shall be extended in Crista Court to Juniper Street and then south to an existing sewer manhole. The applicant shall construct the proposed Crista Court as well as a sidewalk and bike lane along Juniper Street and a curb and 6 foot bike lane along Laughlin Road. Drainage facilities to service Crista Court, Juniper Street and Laughlin Road shall be constructed and directed to the City's existing stormwater pond across the street.

5) All lots will be accessed from Crista Court which is required to be paved per City standards.

6) All new development shall connect to City water and sewer.



K) There are no required agreements. If any agreements are required by the Planning Commission, they shall be recorded in accordance with this item. A final plat shall be required in accordance with section 153.164. Any conditions of approval identified as being required prior to final plat shall be completed before receiving an authorized signature from a City representative.

**Criteria: 153.191 LOTS AND BLOCKS.**

**(A) Blocks.** *The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.*

**(1)** *No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.*

**(2)** *The recommended minimum length of a block along an arterial street is 1,800 feet.*

**(3)** *A block shall have sufficient width to provide for 2 tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.*

**(B) Lots.** *The resulting or proposed size, width shape and orientation of building lots shall be appropriate for the type of development, and consistent with the applicable zoning and topographical conditions.*

**(C) Access.** *Each resulting or proposed lot or parcel shall have legal access and abut or front upon a public street, other than an alley, for a width of at least 50 feet or 35 feet in the case of a cul-de-sac.*

**(1)** *The following are situations where the reviewing authority may allow reductions to the frontage rule.*

**(a)** *When listed otherwise in the dimensional tables.*

**(b)** *Cluster Developments or PUD.*

**(b)** *R-5 Residential high density zone.*

**(d)** *Other commercial and industrial zones that can demonstrate proper traffic function with regard to parking, ingress and egress.*

**(e)** *Mixed Use zone.*

**(2)** *The following is a situation where the reviewing authority may allow an elimination of the frontage rule, however legal access shall be provided.*

**(a)** *An area of steep slopes or other natural barriers where a full public street is not practical and will not be a part of the street grid system; as determined by the City. In this case an easement for access may be allowed for a limited number of newly created residential lots as determined by a ratio of 1 unit per acre. Emergency access and turn around shall be required and approved by the Fire Department.*

**(D) Side lot lines.** *The side lines of lots and parcels, as far as practicable, shall be perpendicular to the street upon which they front; or radial to the curve as applicable.*

**(E) Division by boundary, ROW and drainage ways.** *No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way or by an easement for utilities or other services, except as approved otherwise.*

**(F) Flag Lots.** *The intent of a flag lot or lots is to promote infill in residential areas but not disrupt the existing nature of the neighborhood. It is also to provide dedicated public street access for these infill lots while avoiding the need for joint access easements that lead to neighbor disputes. Flag lots may be created by a boundary line adjustment, partition or subdivision with the following limitations:*

**(1)** *Flag lots are not permitted in the R-1 or R-3 zones.*

**(2)** *The pole of the flag shall not be counted when calculating the minimum lot size within each zone. (The intent is to ensure the minimum lot size for a structure)*

- (3) *The front most lot adjacent to the street shall maintain 50ft. of frontage, with the exception of those items listed in Section 153.191(C).*
- (4) *Flag lots for multifamily including duplexes shall require a 2 way access width of at least 30ft.*
- (5) *As defined; the pole of a flag lot shall be a continuous width of at least 20 feet up to but not including 50 feet. (The intent is to prevent dog leg flag lots)*
- (6) *A maximum of 2 flag lots may be permitted per original lot; however if the poles of each flag are adjacent to one another only a single shared access will be permitted and a reciprocal access easement shall be recorded.*
- (7) *Flag lots within newly proposed subdivisions shall only be allowed on cul-de-sacs or where irregular lot lines warrant such a technique.*
- (G) *Through or double-frontage lots and parcels. Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential development from major traffic arterials or collectors and from adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. When through or double-frontage lots or parcels are desirable or deemed necessary, a planting screen easement of at least four to six feet in width, and across which there shall be no right of vehicular access, may be required along the line of building sites abutting such a traffic way or other incompatible uses.*
- (H) *Special building setback lines. If special building setback lines, in addition to those required by the applicable zoning, are to be established in a development, they shall be shown on the final plat of the development and included in the deed restrictions.*
- (I) *Large building lots; redivision. In the case where lots or parcels are of a size and shape that future redivision is likely or possible, the Commission may require that the blocks be of a size and shape so that they may be redivided into building sites, and the development approval and site restrictions may require provisions for the extension and opening of streets at intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.*

**Finding 9:**

- (A) – The proposed subdivision does not exceed 1000 feet between intersections. The proposal is along an arterial street that does not allow access, therefore; the lots along Laughlin Road will have double frontage.
- (B) – The proposed lots are of sufficient size and orientation for their intended residential use.
- (C) – Each proposed lot abuts a public right-of-way with frontage of at least 50 feet or 35 within a cul-de-sac.
- (D) – All proposed lot lines are perpendicular to the street or radial within the cul-de-sac.
- (E) –The lots proposed are not additionally divided by jurisdictional boundary, easement or right-of-way.
- (F) – No flag lots are proposed.
- (G) – The lots along Laughlin Road will be double frontage lots. Laughlin Road will eventually be re-constructed to minor arterial standards so only minor improvements are required at this time.
- (H) –Staff does not recommend any special building setbacks.
- (I) – While it may be possible for one of the lots to divide further, the shape and orientation of the lot makes future division unlikely or undesirable.

**Criteria: 153.192 EASEMENTS.**

(A) Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 12 feet wide and centered on a rear and/or side lot line unless approved otherwise by the city. Utility pole anchor or guy wire easements may be reduced to 6 feet in width.

(B) Water courses. If a lot is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the water course, and such further widths as deemed necessary.

(C) Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than 5 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation.

(D) Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Department of Public Works.

**Finding 10:**

(A) -All utilities will be provided within public right-of-ways, no additional easements are required.

(B) - Ochoco creek runs through the portion of the property that is proposed to be dedicated to the City for open space preservation and public purpose. The buildable lots are not traversed by a water course.

(C) - Bicycle lanes are not required on the proposed Cul-de-sac but shall be required on Juniper Street and Laughlin Road.

(D) - All sewer and water lines are proposed to be within City rights-of-way. Easements for sewer and water lines shall be recorded on the appropriate properties if they become necessary.

**Criteria: 153.193 LAND FOR PUBLIC PURPOSES.**

(A) *If the city has an interest in acquiring a portion of a proposed development for a public purpose, or if the city has been advised of the interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the city may require that portion of the development be reserved for public acquisition for a period not to exceed 1 year.*

(B) *Subdivisions containing 20 or more residential lots may be required (based on size and potential density) to develop and dedicated to the public a parcel of land at least 5% of the gross area of the development for parks and recreation purposes. The parcel of land shall be determined to be suitable for the park and/or recreation purpose(s) intended. This land may be within the development or adjacent to the development on continuous property owned by the developer. Parks approved as part of a subdivision may not be used to satisfy obligations of adjacent subdivisions.*

(C) *In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.*

(D) *The foregoing land and development or a monetary contribution may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency (Crook County Parks and Recreation) in accordance with the applicable provisions of the SDC ordinance. If the collecting agency will not accept the land or monetary contribution in lieu of an applicable systems development charge, the land and development of a park may still be required by the City. Such a park would need to be managed with a Home Owners Association unless an alternate arrangement can be reached with Crook County Parks and Recreation.*

(E) *If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to the public such as parks, rights-of-way, water or sewer system facilities and the like, then the requirements shall be reduced so that the total obligation of the developer to the public does not exceed 35%.*

**Finding 11:** Lots 15 and 16 are unbuildable lots do to their proximity to Ochoco Creek. The applicant is proposing to have these lots dedicated to the City for open space preservation and public purpose. The subdivision is not over 20 lots, therefore open space dedication for parks is not required.

**Criteria: 153.194 STREETS AND OTHER PUBLIC FACILITIES.**

(A) **Duties of developer.** *It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, gas, telephone cable, and other utilities necessary to serve the use or development in accordance with the Standards and Specifications of the city and/or the serving entity.*

(B) **Underground installation of utility lines.** *All electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.*

(C) **Location, width, and grade of streets.** *The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.*

(D) **Traffic circulation system.** *The overall street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area, per the City's Standards and Specifications.*

(E) **Street location and pattern.** *The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:*

(1) *Provide for the continuation or appropriate projection of existing principal streets to surrounding areas; or adjacent lots.*

(2) *Conform to a plan for the general area of the development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and*

(3) *Conform to the adopted urban area transportation system plan as may be amended.*

(F) **Minimum right-of-way and roadway widths.** *Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths set forth in the City's Standards and Specifications. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be dedicated at the time of land division or development."*

(G) **Alignment.** *All streets, as far as practicable, shall be in alignment with existing streets by continuations of the center lines thereof. Necessary staggered street alignment resulting in intersections shall, wherever possible, leave a minimum distance of 200 feet between the center lines of streets of approximately the same direction, and in no case shall the off-set be less than 100 feet.*

(H) **Future street extensions.** *Where necessary to give access to or permit future subdivision or development of adjoining land, streets shall be extended to the boundary of the proposed development or subdivision.*

(I) **Intersection angles.** *Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the City Engineer. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.*

(J) **Inadequate existing streets.** *Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required.*

(K) **Cul-de-sacs.** A cul-de-sac shall terminate with a circular turn around with a minimum paved surface and right-of-way determined by the City's Standards and Specifications or Fire Code whichever is greater.

(L) **Marginal access streets.** Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen-plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.

(M) **Streets adjacent to railroad or canal right-of-way.** Whenever a proposed land development contains or is adjacent to a railroad or main canal right-of-way, provisions may be required for a street approximately parallel to the ROW at a distance suitable for the appropriate use of land between the street and the ROW. The distance shall be determined with consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting or other separation requirements along the ROW.

(N) **Reserve Strips.** Reserve strips or street plugs controlling access to streets shall not be approved.

(O) **Half streets.** Half streets, while generally not acceptable, may be approved where reasonably essential to a proposed land development, and when the Commission or other reviewing authority finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.

(P) **Streets.** All street design criteria shall conform to the City's Standards and Specifications and State design Standards as determined by the City Engineer.

(Q) **Street names.** Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance.

(R) **Street name signs.** Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.

(S) **Traffic control signs.** Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.

(T) **Alleys.** Alleys are not necessary in residential developments, but should and may be required in commercial and industrial developments unless other permanent provisions for access to off-street parking and loading facilities are approved by the city.

(U) **Curbs.** Curbs shall be required on all streets in all developments and with all new commercial and multifamily construction. Curbs shall be installed by the developer in accordance with the City's Standards and Specifications unless otherwise approved by the city.

(V) **Sidewalks.** Unless otherwise required in this chapter or other city ordinances or other regulations, sidewalks shall be required as set forth hereinafter on all streets in all developments and with all new commercial and multifamily construction. In lieu of these requirements, however, the reviewing authority may approve a development without sidewalks if alternative pedestrian routes and facilities are provided.

(1) **All streets.** In general all streets shall have sidewalks at a minimum of 5 feet in width in residential and industrial areas and 8 feet in width in commercial areas unless otherwise provided for in the applicable zone or conditional use approval.

(W) **Bike lanes.** Unless otherwise required in this chapter or other city ordinances or other regulations, bike lanes shall be required as follows, except that the Planning Commission may approve a development without bike lanes if it is found that the requirement is not appropriate to or necessary for the extension of bicycle routes, existing or planned, and may also approve a development without bike lanes in the streets if alternative bicycle routes and facilities are provided.

(1) **Local streets.** Bike lanes may be required on local streets, and if required shall not be less than 5 feet in width for one-way bike lanes and 8 feet in width for two-way bike lanes.

(2) **Collector streets.** Bike lanes are required on both sides of collector streets, and shall not be less than 6 feet in width.

*(3) Arterial streets. Bike lanes are required on both sides of arterial streets, and shall not be less than 6 feet in width.*

*(X) Street lights. Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company.*

*(Y) Utilities. The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.*

*(Z) Drainage facilities. Drainage facilities shall be provided as required by the City's Standards and Specifications.*

**Finding 12:**

(A) – As stated it is the responsibility of the developer to construct all public infrastructure and other utilities to serve the development in accordance with the City's Standards and Specifications.

(B) – It is a standard Condition of Approval to require all new utility lines to be placed underground.

(C) – All streets associated with this subdivision shall be dedicated to the City. The proposed cul-de-sac is the most practical way to extend the street system for convenience and safety.

(D) – Staff finds that the proposed traffic circulation system is sufficient, with proposed rights-of-ways meeting City standards.

(E) – As discussed in Finding 7, the proposed alignment of Hudspeth Road and Juniper Street in the TSP is not cost effective with a poor cost to benefit ratio. With the development of this subdivision the re-alignment will most likely be removed from the TSP with the next update.

(F) – All rights-of-way meet City standards as proposed.

(G), (H) – All proposed street right-of-ways are in alignment with existing streets.

(I, J) – All streets are proposed to connect at right angles.

(K) – The proposed cul-de-sacs has a 60ft. right-of-way with a 120ft. circular turn around meeting City and Fire code standards.

(L) – No marginal access streets are proposed.

(M) – No proposed streets are adjacent to railroad or canal right-of-way.

(N) – There are no reserve strips proposed in this subdivision.

(O) – No half streets are proposed with this development.

(P) – The proposed right-of-way widths are in compliance with City standards and streets shall be constructed to meet City standards and specifications.

(Q) – The proposed street name "Crista Court" is not similar to any street name within Crook County.

(R), (S) – No street signs or traffic control signs shall be required until streets are constructed.

(T) – No alleys are proposed.

(U), (V), (W), (X) – The applicant will be required to construct all public improvements and other utilities to City standards. The applicant shall dedicate 20 feet of right-of-way along Laughlin Road. City water shall be extended “to and through” the buildable lots on Juniper Street and Crista Court. City sewer shall be extended in Crista Court to Juniper Street and then south to an existing sewer manhole. The applicant shall construct the proposed Crista Court as well as a sidewalk and bike lane along Juniper Street and a curb and 6 foot bike lane along Laughlin Road.

(Y) – It shall be the responsibility of the applicant/developer to make arrangements with utility companies for installation of all utilities.

(Z) – Drainage facilities to service Crista Court, Juniper Street and Laughlin Road shall be constructed and directed to the City’s existing stormwater pond across the street.

**Recommended Conditions of Approval:** If approved by the Planning Commission, the following conditions are recommended for application SUB 2016-100. Such recommendation is subject to the “standard” conditions of approval relevant to Conditional Use Permits, Subdivisions, those conditions outlined in the findings section of this report and those conditions of approval set forth below:

### **General Conditions**

1. The applicant shall plat the proposed subdivision as shown in the tentative plan or as modified by the Planning Commission during the public hearing.
2. The development and any future use shall comply with the Fire Department requirements for fire flows, sprinkler systems, fire hydrants, address signs and Knox Box locks and all other UFC requirements. The applicant shall coordinate with the Crook County Rural Fire and Rescue in this endeavor.
3. All stormwater drainage within the subdivision and portions of Juniper Street and Laughlin Road shall be directed to the City’s stormwater drainage pond on the west side of Juniper Street.
4. All utilities shall be placed underground.
5. The development and any future use shall comply with all local, state and federal laws and any required permits shall be obtained by the applicant.

### **Prior to signing final plat:**

6. All Public infrastructure shall be constructed to City Standards and Specifications. All infrastructure shall be reviewed and approved by the City Engineer and constructed or bonded for prior to signing the final plat.
7. The applicant shall dedicate the right-of-way as shown on the tentative plan and construct Crista Court including curb and sidewalk to City standards. This includes extensions of City water and sewer and all other utilities such as power, phone, cable, gas etc.

Skate Park Subdivision  
SUB-2016-100

8. The applicant shall dedicate 20 feet of right-of-way along Laughlin road as indicated on the tentative plan and construct a curb and 6 foot bike lane along Laughlin Road to City standards.
9. The applicant shall construct a 5 foot sidewalk, curb and bike lane along the frontage of the buildable lots on Juniper Street.
10. The applicant shall construct a drainage system and re-construct portions of an existing system to direct the drainage of Crista Court and portions of Juniper Street and Laughlin Road to the City's existing stormwater retention area.
11. The applicant shall sign a deed prepared by the City to deed lots 15 and 16 of the "Skate Park" subdivision to the City of Prineville.

**Prior to building permit**

12. Applicant shall secure any and all City, County & State permits required for the proposed development prior to use.
13. All future development shall pay applicable system development charges (SDCs) and connect to the City's sewer and water system.

**On-going/Future Responsibilities**

14. The applicant shall comply with all relevant portions of the City of Prineville Code of Ordinances.

**MOTION IN FAVOR**

*The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Favor of this Application. I Move that the application be **APPROVED**, subject to the Conditions of Approval as they have been finalized, and based upon the Findings of Fact in favor of the application.*

**MOTION IN OPPOSITION**

*The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Opposition to this Application. I Move that the request be **DENIED** based upon Findings of Fact in opposition to the application.*

Date this 13<sup>th</sup> day of September 2016

Written by: Joshua Smith,  
Senior Planner

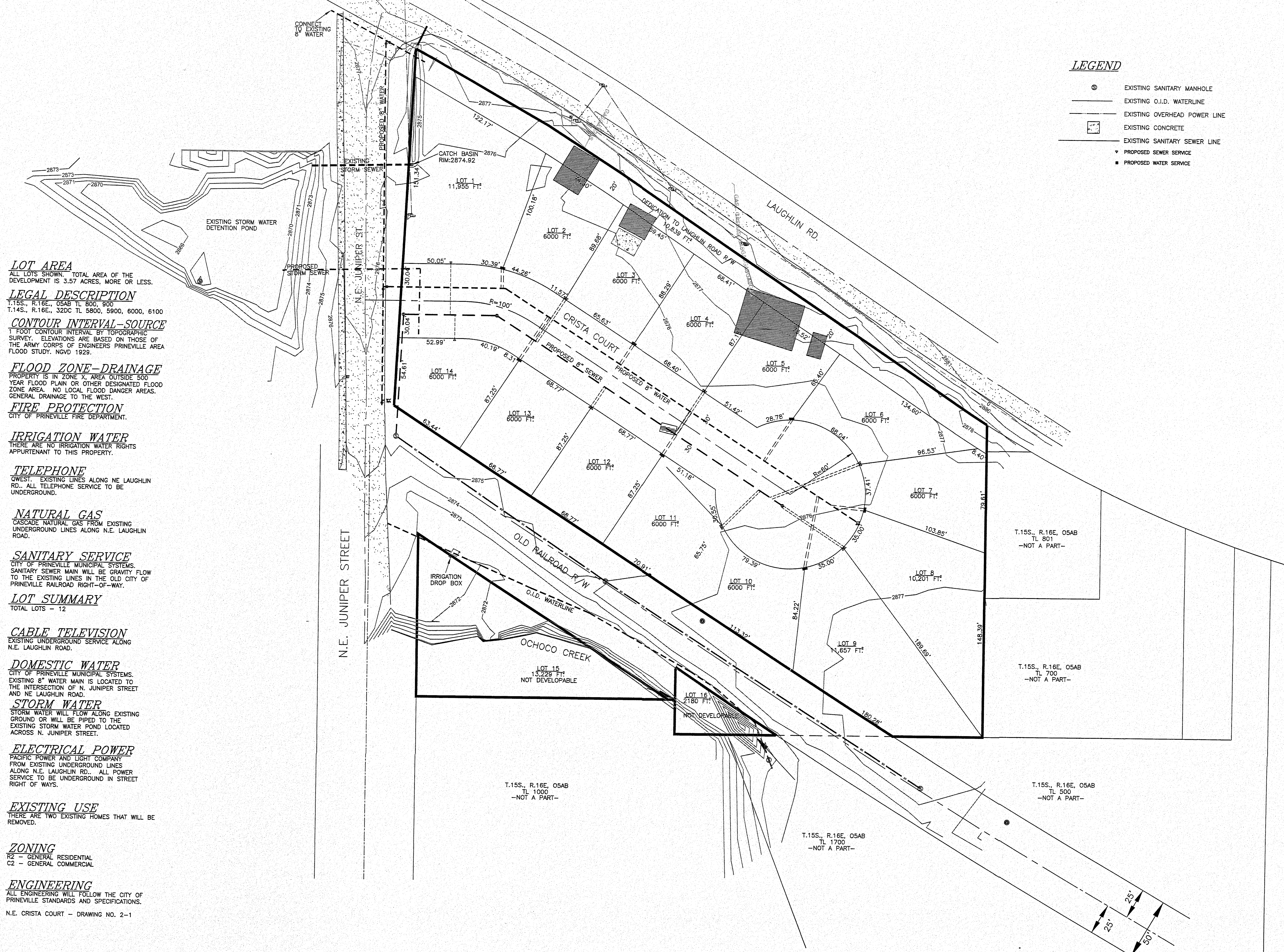


**SUB-2016-100**  
**2014 Aerial view**  
**Proposed Skate Park Subdivision**

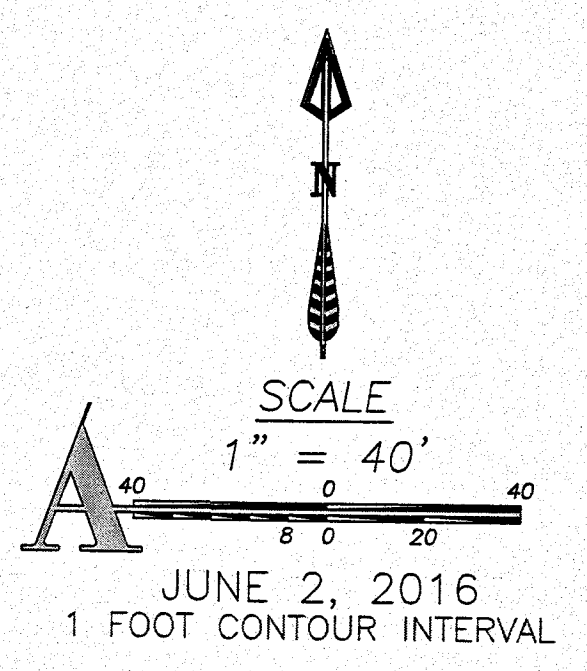




**TENTATIVE MAP FOR  
SKATE PARK SUBDIVISION**  
LOCATED IN NE1/4 OF SECTION 5, T.15S., R.16E.,  
W.M., CITY OF PRINEVILLE, CROOK COUNTY, OREGON  
SUB-XX-XX-XXX



- LEGEND**
- ⊙ EXISTING SANITARY MANHOLE
  - EXISTING O.I.D. WATERLINE
  - EXISTING OVERHEAD POWER LINE
  - ▣ EXISTING CONCRETE
  - EXISTING SANITARY SEWER LINE
  - ▽ PROPOSED SEWER SERVICE
  - PROPOSED WATER SERVICE



**LOT AREA**  
ALL LOTS SHOWN TOTAL AREA OF THE DEVELOPMENT IS 3.57 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION**  
T.15S., R.16E., 05AB TL 800, 900  
T.14S., R.16E., 32DC TL 5800, 5900, 6000, 6100

**CONTOUR INTERVAL-SOURCE**  
1 FOOT CONTOUR INTERVAL BY TOPOGRAPHIC SURVEY. ELEVATIONS ARE BASED ON THOSE OF THE ARMY CORPS OF ENGINEERS PRINEVILLE AREA FLOOD STUDY, NGVD 1929.

**FLOOD ZONE-DRAINAGE**  
PROPERTY IS IN ZONE X, AREA OUTSIDE 500 YEAR FLOOD PLAN OR OTHER DESIGNATED FLOOD ZONE AREA. NO LOCAL FLOOD DANGER AREAS. GENERAL DRAINAGE TO THE WEST.

**FIRE PROTECTION**  
CITY OF PRINEVILLE FIRE DEPARTMENT.

**IRRIGATION WATER**  
THERE ARE NO IRRIGATION WATER RIGHTS APPURTENANT TO THIS PROPERTY.

**TELEPHONE**  
OWEST. EXISTING LINES ALONG NE LAUGHLIN RD. ALL TELEPHONE SERVICE TO BE UNDERGROUND.

**NATURAL GAS**  
CASCADE NATURAL GAS FROM EXISTING UNDERGROUND LINES ALONG N.E. LAUGHLIN ROAD.

**SANITARY SERVICE**  
CITY OF PRINEVILLE MUNICIPAL SYSTEMS. SANITARY SEWER MAIN WILL BE GRAVITY FLOW TO THE EXISTING LINES IN THE OLD CITY OF PRINEVILLE RAILROAD RIGHT-OF-WAY.

**LOT SUMMARY**  
TOTAL LOTS = 12

**CABLE TELEVISION**  
EXISTING UNDERGROUND SERVICE ALONG N.E. LAUGHLIN ROAD.

**DOMESTIC WATER**  
CITY OF PRINEVILLE MUNICIPAL SYSTEMS. EXISTING 8" WATER MAIN IS LOCATED TO THE INTERSECTION OF N. JUNIPER STREET AND NE LAUGHLIN ROAD.

**STORM WATER**  
STORM WATER WILL FLOW ALONG EXISTING GROUND OR WILL BE PIPED TO THE EXISTING STORM WATER POND LOCATED ACROSS N. JUNIPER STREET.

**ELECTRICAL POWER**  
PACIFIC POWER AND LIGHT COMPANY FROM EXISTING UNDERGROUND LINES ALONG N.E. LAUGHLIN RD.. ALL POWER SERVICE TO BE UNDERGROUND IN STREET RIGHT OF WAYS.

**EXISTING USE**  
THERE ARE TWO EXISTING HOMES THAT WILL BE REMOVED.

**ZONING**  
R2 - GENERAL RESIDENTIAL  
C2 - GENERAL COMMERCIAL

**ENGINEERING**  
ALL ENGINEERING WILL FOLLOW THE CITY OF PRINEVILLE STANDARDS AND SPECIFICATIONS.  
N.E. CRISTA COURT - DRAWING NO. 2-1

DATE: JUNE 28, 2016  
DRAWN BY: TRC  
CHECKED BY: TRC  
DRAWING NO.: 16-4760  
WORK ORDER: 16-4760  
SHEET 1 OF 1

**TENTATIVE MAP FOR  
SKATE PARK SUBDIVISION**  
LOCATED IN THE NE1/4 OF SECTION 5, T. 15S., R.16E., W.M.,  
CITY OF PRINEVILLE, CROOK COUNTY, OREGON

**DEVELOPER**  
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**ARMSTRONG**  
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